

AUG 2 1999

Before The  
Federal Communications Commission  
Washington DC 20554

In the Matter of:

Federal-State Joint Board on	)	
	)	
Universal Service	)	CC Docket 96-45
	)	
Lancaster County, Virginia Public	)	
Schools Appeal of Administrator Decision	)	

Reference: Form 471 Application Number 00093962  
Funding Request Number 00094186

Lancaster County Public Schools applied for E-rate discounts for an Internet access contract with Sylvan Information Services, an Internet service provider in Lancaster. Included in the contract were four Internet routers. Form 471 and contract are attachment 1.

On December 18, 1998 the Schools and Libraries Corporation issued a Funding Commitment Decisions Letter (attachment 2) denying funding for the entire Sylvan contract because "A significant portion of this FRN includes a request for Ascend Pipeline which is an ineligible product based on program rules." Routers are eligible for discounts under program rules as internal connections. The routers accounted for \$5,800 of the total prediscount annual cost of \$14,310 for the 1998 portion of the contract.

We feel that the Schools and Libraries Corporation (SLC) improperly denied funding for this contract. Based on treatment of other applicants, the SLC should have reclassified this contract as "Internal Connections" and fully funded it, as Lancaster County has an E-rate discount percentage of 74 percent.

We are aware of a similar situation with Williamsburg-James City County Public schools (application number 00090495, funding request number 00116808), a contract with Bell Atlantic (a Local Exchange Carrier) and contained a small amount of internal connections. In that situation, the SLC explained "The category of service changed from Telecommunications Service to Internal Connections. Funding cap will not provide for Internal Connections less than 62%."

Because the Williamsburg-James City denial was issued on February 9, 1999, We can only assume that there was a change in policy at the SLC. In the event of a change in policy, all applicants

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Lancaster Appeal  
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denied previous to the policy change should have their applications reviewed and subsequently funded if warranted.

The SLC ultimately denied our appeal because we did not appeal within 30 days of issuance of the Funding Letter on December 18 (attachment 3). We believe the appeal deadline should be deemed moot in this case because of the change in SLC policy. We ask the Commission to retrospectively review our application in light of the SLC application review policy in effect on February 9, 1999, and fund discounts for this FRN in the amount of \$10,589.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Frank Klein", with a stylized flourish at the end.

Frank Klein, Technology Coordinator  
Lancaster County Public Schools  
2330 Irvington Road  
Kilmarnock, VA 22482

(804) 435-3183  
fax (804) 435-3309  
e-mail fklein@lcs.k12.va.us

Schools and Libraries Corporation  
Box 125—Correspondence Unit  
100 South Jefferson Rd.  
Whippany, NJ 07981

February 12, 1999

Appeals Case Worker:

Lancaster County Public Schools would like to appeal the recent FRN:00094186 status Denied. According to my records, Ascend Routers WERE eligible items. Please look over our 471 from last year (attached). I've also included copies of PO's and invoices concerning our frame relay/ Internet service.

Thank You for your consideration.

Please contact:

A handwritten signature in black ink, appearing to read "Frank Klein", with a long horizontal flourish extending to the right.

Frank Klein, Technology Coordinator  
Lancaster County Public Schools  
2330 Irvington Rd.  
PO Box 2000  
Kilmarnock, VA 22482

804 435 3183  
fax 804 435 3309

email: fklein@lcs.k12.va.us

SLC Funding Notification Synopsis for Application Number: 00093962

Funding Request Number:00094186 Funding Status: DENIED  
SPIN: 143005340 Service Provider Name: Sylvan Information S  
Provider Contract Number: 981001S  
Services Ordered: Inet Acc(s)  
Effective Date of Discount: 05/30/1998 Contract Expiration Date: 06/30/1998  
Estimated Total Annual Pre-discount Cost: \$9,610.00  
Discount Percentage Approved by SLC: N/A  
Funding Commitment Decision: \$0.00 - Inel. svcs./ or product(s)  
Funding Commitment Decision Explanation: A significant portion of this FRN includes a request for Ascend Pipeline which is an ineligible product based on program rules.

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Funding Request Number:00094191 Funding Status: Funded  
SPIN: 143004771 Service Provider Name: GTE South Incorporat  
Provider Contract Number: 981001G  
Services Ordered: Inet Acc(s)  
Effective Date of Discount: 05/30/1998 Contract Expiration Date: 06/30/1998  
Estimated Total Annual Pre-discount Cost: \$2,360.00  
Discount Percentage Approved by SLC: 74%  
Funding Commitment Decision: \$1,746.40 - Batch Approved Detail Line

471

# Schools and Libraries Universal Service Services Ordered and Certification Form

Estimated Average Burden Hours Per Response: 6 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Schools and Libraries Corporation can set aside sufficient support to reimburse providers for services.

Please read instructions before completing.

(To be completed by each Billed Entity)

**Block 1: Applicant Address and Identifications** (School, library, or consortium desiring Universal Service funding.)

1. Name of Applicant (Billed Entity) Lancaster County Schools		2. Funding Year 1998	
3a. NCES School Code (if individual school) or NCES Library Code (if individual library)			
3b. 471 Application Number (Administrator will insert this)		3c. Billed Entity Number	
4a. Type of Applicant (Check only one box) <input type="checkbox"/> school <input checked="" type="checkbox"/> school district <input type="checkbox"/> library or library consortium under the LSTA <input type="checkbox"/> consortium of multiple entities		4b. If applicant is a consortium, check all other boxes that apply: <input type="checkbox"/> includes non-government entities ineligible for support <input type="checkbox"/> region of a state <input type="checkbox"/> statewide <input type="checkbox"/> multi-state <input type="checkbox"/> state educational agency <input type="checkbox"/> local educational agency <input type="checkbox"/> educational services agency	
5. Applicant's Street Address, P.O. Box, or Route Number 2330 IRVINGTON ROAD			
City KILMARNOCK	State VA	Zip Code 22482	Telephone Number (804) 435-3183
E-mail Address sbo@sylvaninfo.net			
6. Contact Person's Name DAVID REEDY			
Street Address, P.O. Box, or Route Number (if different from Item 5)			
City	State	Zip Code	
Fill in all of the following (if available), and check the preferred mode of contact:		<input type="checkbox"/> Telephone	(804) 435-3183
<input checked="" type="checkbox"/> FAX (804) 4353309	<input type="checkbox"/> E-mail	sbo@sylvaninfo.net	<input type="checkbox"/> Mail

**Block 2: Purpose of Request**

- 7 Purpose of Request: (Check all that apply, if any.)
- a. ☐ Discount on contract(s) signed prior to a request being posted on the Administrator's website.  
Was an FCC Form 470 filed with regard to all the contract(s)? ☐ Yes ☐ No
- b. ☒ Discount on contract(s) signed after a request being posted on the Administrator's website.
- c. ☐ Minor modifications or supplement to existing contract(s) for which a Form 471 was already filed.  
471 Application Number \_\_\_\_\_

**Block 3: Characteristics of Applicant and Applicant's Service Order** (derived from FCC Form 470 Blocks 2 & 3)

8a. Number of students 1607	8b. Number of library patrons
9. Number of buildings to be served 4	10. Number of rooms to be served 185

	Existing Services	Total Services After Order
<b>11. Telecommunications Services</b>		
a. Number of phones that have or require service (See instructions concerning extension phones and fax machines.)	27	27
b. Number of computers that have or require service	124	178
c. Number of high bandwidth video conferencing links		
<b>12. Internal Connections</b>		
a. Number of buildings with at least some rooms connected	4	4
b. Number of rooms connected	185	185
c. Highest speed of connection	10mb	10mb
<b>13. Internet Access</b>		
a. Number of dial up connections	4	4
b. Highest speed of such dial up connections	28kbs	28Kbs
c. Number of direct connections	0	4
d. Highest speed of such direct connections	0	128KBS

**Block 4: Determining Discount Percentage**

14. Fill in one line per school, library, or library consortium and calculate in the last line, an average discount rate for the billed entity. Attach additional pages if necessary. *Note: If the applicant has already completed this chart for all of the same entities with data that is current, provide the "471 Application Number" (Item 3b), from that previous FCC Form 471 here:*

(1) Name of Individual School or Library	(2) NCES or Comparable Code for School or Library (Obtain from Administrator)	(3) Urban or Rural	(4) <u>For Schools:</u> Number of Students <u>For Libraries:</u> NCES Code of a School in its District	(5) <u>For Schools:</u> Number of Students Eligible for National School Lunch Program	(6) Discount Calculated from Discount Matrix	(7) Check if School or Library will use "Shared Services" listed in Item 15.
Lancaster Primary	00339	Rural	487	312	80	X
Lancaster Middle	00333	Rural	623	336	80	X
Lancaster High	00337	Rural	479	162	60	X
						[ ]
						[ ]
						[ ]
FOR SHARED SERVICES ORDERED BY BILLED ENTITY (attach worksheet of calculations)					74	

	Existing Services	Total Services After Order
<b>11. Telecommunications Services</b>		
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**Block 4: Determining Discount Percentage**

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Lancaster Primary	00839	Rural	487	312	80	X
Lancaster Middle	00838	Rural	623	336	80	X
Lancaster High	00837	Rural	479	162	60	X
						[ ]
						[ ]
						[ ]
FOR SHARED SERVICES ORDERED BY BILLED ENTITY (attach worksheet of calculations)					74	

Contact Person's Name David Reedyand Phone Number: (804) 435-3183**Block 5: Services Ordered**

15. "Shared" services: All EXCEPT site-specific, internal connections and dedicated ("private line") connections from only one school or library to an ISP or other end user.

(1)	(2)	CONTRACT			(6)	(7)	Amount		(10)	(11)
SLC Service Provider Number or Full Legal Name of Service Provider	Universal Service Control Number for Form 470 on which this is based	(3) Contract Number (if applicable)	(4) Award Date	(5) Expiration Date	Services or Products	Service Start Date	(8) Estimated One Time Pre-discount Cost	(9) Estimated Monthly Pre-discount Cost	Estimated Total Annual Prediscount Cost	Percent Discount (from list)
143005340  Sylvan	976290000043833				Telecommunications Services					
		981001S	04/13/98	06/30/98	Internet Access	05/30/98	\$7,730.00	\$940.00	\$14,310.00	74.00%
					Internal Connections (Shared)					
143004771  GTE	9762900000438330				Telecommunications Services					
		981001G	04/13/98	06/30/98	Internet Access	05/30/98	\$1,180.00	\$590.00	\$5,310.00	74.00%
					Internal Connections (Shared)					
					Telecommunications Services					
					Internet Access					
					Internal Connections (Shared)					



Contact Person's Name David Reedyand Phone Number: (804) 435-3183**Block 5: Services Ordered**

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(1) SLC Service Provider Number or Full Legal Name of Service Provider	(2) Universal Service Control Number for Form 470 on which this is based	CONTRACT			(6) Services or Products	(7) Service Start Date	Amount		(10) Estimated Total Annual Prediscount Cost	(11) Percent Discos (from list)
		(3) Contract Number (if applicable)	(4) Award Date	(5) Expir- ation Date			(8) Estimated One Time Pre- discount Cost	(9) Estimated Monthly Pre- discount Cost		
143005340  Sylvan	976290000043833				Telecommunications Services					
		981001S	04/13/98	06/30/98	Internet Access	05/30/98	\$7,730.00	\$910.00	\$14,310.00	74.00%
					Internal Connections (Shared)					
143004771  GTE	9762900000438330				Telecommunications Services					
		981001G	04/13/98	06/30/98	Internet Access	05/30/98	\$1,180.00	\$590.00	\$5,310.00	74.00%
					Internal Connections (Shared)					
					Telecommunications Services					
					Internet Access					
					Internal Connections (Shared)					

Contact Person's Name David Reedy

and Phone Number: (804) 435-3183

16. "Site Specific" Services: Internal connections not shared by multiple schools or libraries and dedicated ("private line") connections from only one school or library to an ISP or other end-user.

(1)	(2)	CONTRACT			(6)	(7)	Amount (See instructions about rounding)			(11)	(12)
SLC Number of Service Provider (Obtain from Service Provider)	Universal Service Control Number for Form 470 on which this is based	(3) Contract Number (if applicable)	(4) Award Date	(5) Expiration Date	Services or Products	Service Start Date	(8) Estimated One Time Pre-discount Cost	(9) Estimated Monthly Pre-discount Cost	(10) Estimated Total Annual Pre-discount Cost	Percent-age Dis-count (from Item 14)	School or Library Code (Listed on website)
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						
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					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						

17. ☒ Check this box to confirm that, for each service provider listed in 15 and 16, above, a list is attached (as an appendix to this form) of all of the services that each service provider is providing to the billed entity. Service providers should provide these lists on request.

18. a. Total dollars of support allocated for this application for the entire funding year (calculated by administrator)

b. Amounts of support set aside for this application for the first six months of the year (calculated by administrator)

19. Provide the total estimated cost (pre-discount price) for the services you expect to order in the funding year following the one for which you are applying here. (This figure is not binding.)

20. Is your order solely for basic telephone service? ☐ Yes ☒ No

**Block 6: Certification and Signature**

21. The applicant is eligible for support because it includes: (Check one or both.)

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801 (14) and (25), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a state library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools', including, but not limited to, elementary and secondary schools, colleges, or universities.

22. The school(s) or library(ies) I represent have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services.

23. All of the individual schools, libraries, and library consortia listed above in items 15 and 16 are covered by:

- a. ☐ an individual; and/or
- b. ☒ higher-level technology plan(s) for using the services requested in this application (if those services consist of other than voice services).

24. Status of technology plans (check one):

- a. ☒ Technology plan(s) has/have been approved; or
- b. ☐ Technology plan(s) will be approved by a state or other authorized body; or
- c. ☐ Technology plan(s) will be submitted to Schools and Libraries Corporation for approval.

25. I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurements of services for which support is being sought.

26. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

27. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service receive an appropriate share of benefits from those services.

28. I recognize that I may be audited pursuant to this application and will retain for five years any and all worksheets and other records that I rely upon to fill out this application.

29. I certify that I am authorized to submit this request on behalf of the above-named institution, that I have examined this request and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

30. Signature David L. Reedy

31. Date 4-13-98

32. Printed name of authorized person David Reedy

33. Title or position of authorized person Administrative Assistant

17. ☒ Check this box to confirm that, for each service provider listed in 15 and 16, above, a list is attached (as an appendix to this form) of all of the services that each service provider is providing to the billed entity. Service providers should provide these lists on request.

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33. Title or position of authorized person Administrative Assistant